

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33521 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Raj Kumar Choudhary, aged about 31 years, Male, Son Of Late Kailash Choudhary, Resident Of Village - Pasi Tola, Nathnagar, P.S. - Lalmatiya, District – Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ambrish Jha, Advocate
For the Opposite Party : Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nathnagar (Lalmatiya) P.S. Case No. 157 of 2023 dated 27.02.2023 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.02.2023 at about 3.00 P.M., Halki Devi was using filthy language against the informant. When it was prevented by her husband then she called the petitioner and others and the petitioner fired on the informant's husband, due to that, he succumbed to the injury.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner is the neighbour of the informant and fight is going on between the informant and Halki Devi and the petitioner just went there to pacify the matter between them but the informant's husband started abusing and assaulting the petitioner and his family members. It is further submitted that the husband of the informant took out the pistol from his house and tried to kill the petitioner and his brother. The petitioner to save his life hold his hand and during the said protest, bullet hit on the head of the informant's husband. The petitioner is languishing in custody since long and charge has been framed and the case has been sent up for trial bearing Sessions Trial No. 543 of 2023 in which only two prosecution witnesses have been examined till date. It is further submitted that the other co-accused persons, namely, Dilip Choudhary and Govind Kumar @ Govind Choudhary have already been granted bail by a Bench of this Court vide Cr. Misc. No. 64854 of 2023 under order dated 12.10.2023, annexed as Annexure-2 to the bail petition. The petitioner has four criminal antecedents, out of which, in three cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 04.03.2023.

Learned A.P.P. for the State has vehemently opposed



the bail petition of the petitioner by submitting that there is direct allegation of firing against the petitioner on the informant’s husband, due to that he died.

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sessions Trial No. 543 of 2023 arising out of Nathnagar (Lalmatiya) P.S. Case No. 157 of 2023, pending in the court of learned Additional District and Sessions Judge-XI, Bhagalpur.

7. The learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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